

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
March 18, 2013 6:00 PM**

STAFF PRESENT:

Erik Enyart, AICP, City Planner

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:03 PM.

Chair Thomas Holland recognized the Boy Scout and his father in attendance and thanked them for attending, and all the others attending to observe the meeting.

ROLL CALL:

Members Present: Thomas Holland, Lance Whisman, and John Benjamin.

Members Absent: Jeff Baldwin and Larry Whiteley.

CONSENT AGENDA:

1. Approval of Minutes for the January 21, 2013 Special Meeting

Chair Thomas Holland introduced the item and asked to entertain a Motion. John Benjamin made a MOTION to APPROVE to the Minutes as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Benjamin, Holland, & Whisman

NAY: None.

ABSTAIN: None.

MOTION CARRIED: 3:0:0

2. Approval of Minutes for the February 19, 2013 Regular Meeting
3. Approval of Minutes for the February 27, 2013 Special Meeting

Chair Thomas Holland introduced Agenda Items Numbered 2 and 3 and stated that there was no quorum present of those in attendance at those meetings, and declared the items Continued to the next meeting, April 15, 2013.

PUBLIC HEARINGS

4. **PUD 77 – “Byrnes Mini-Storage” – JR Donelson, Inc.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
 5. **BZ-365 – William W. Wilson for Helene V. Byrnes Foundation.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to OL Office Low Intensity District for approximately 2.9 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial* and part of the NW/4 of Section 01, T17N, R13E.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
-

Chair Thomas Holland introduced agenda items numbered 4 and 5 and asked Erik Enyart for report. Mr. Enyart stated that he had received a request to amend the Comprehensive Plan as concerns the property subject to BZ-365, to allow the OL zoning requested to be consistent with the Comprehensive Plan. Mr. Enyart stated, “Staff recommends these be Continued to the April 15,” 2013 Regular Meeting, as requested by the Applicant, so that all three (3) of the related applications could be considered simultaneously.

Chair Thomas Holland stated that he recalled the Planning Commission had held extended discussions concerning buffering of the property just north of this, which was to have a ministorage development. Mr. Holland expressed concerns over compatibility with the neighborhood. Mr. Holland noted that he would not be able to attend the April 15, 2013 meeting, and stated, “For the record, I would be opposed” to [a favorable] recommendation [on these applications].

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to CONTINUE PUD 77 and BZ-365 to the April 15, 2013 Regular Meeting. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Benjamin, Holland, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

Three (3) women left at this time. Chair Thomas Holland encouraged them to attend the meeting on April 15, 2013, if they remained interested in these applications.

PLATS

6. **Final Plat – Bixby Landing Second – JR Donelson, Inc. (PUD 57).** Discussion and consideration of a Final Plat for “Bixby Landing Second,” Part of the SW/4 of Section 01, T17N, R13E.

Property Located: Southeast of the intersection of 126th St. S. and 85th E. Ave.

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, March 14, 2013
RE: Report and Recommendations for:
Final Plat of “Bixby Landing Second” (PUD 57)

LOCATION: – Southeast of the intersection of 126th St. S. and 85th E. Ave.
– Part of the SW/4 of Section 01, T17N, R13E

SIZE: 12.232 acres, more or less

EXISTING ZONING: RS-4 Residential Single-Family District with PUD 57

EXISTING USE: Vacant

REQUEST: Final Plat approval

SURROUNDING ZONING AND LAND USE:

North: RS-1 and RS-2; Residential in Southern Memorial Acres No. 2

South: AG; Fry Ditch

East: AG; Fry Ditch

West: RS-4/PUD 57; Residential in Bixby Landing

COMPREHENSIVE PLAN: Corridor + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES: (not a complete list)

PUD 57 – Bixby Station – Bruce Wood – Request for RM-3 (multi-family) and CS (Commercial Shopping) zoning and PUD approval for subject property and Bixby Landing – PC Recommended Denial 07/16/2007.

PUD 57 – Bixby Station – Bruce Wood (Amended) – Request for RS-4 zoning and PUD approval for subject property – PC Recommended Approval 08/20/2007 and City Council Approved 09/24/2007 (Ord. # 979).

Preliminary Plat of Bixby Station – Bruce Wood – Request for Preliminary Plat approval for subject property and Bixby Landing – PC Recommended Approval 11/19/2007 and City Council Approved 11/26/2007.

Final Plat of Bixby Landing – Bruce Wood – Request for Final Plat approval for Bixby Landing (previously known as “Bixby Station”), which separated subject property from Bixby Landing – PC Recommended Conditional Approval 06/16/2008 and City Council Conditionally Approved 06/23/2008 (recorded 02/18/2009).

BL-359 – JR Donelson for MPR Family, LLC – Request for Lot-Split approval to allow the developers of this subdivision to acquire a small, triangularly-shaped portion of the northeast corner of the 18 acre-tract abutting to the west to make up the balance of the 50’ right-of-way for S. 85th E. Ave. – Approved by PC 08/18/2008.

BBOA-501 – Bruce Wood for Advent Development, LLC – Request for Special Exception per Zoning Code Sections 11-7B-2 Table 1 to allow a Use Unit 5 subdivision swimming pool and pool house and park facility on Reserve ‘A’ of Bixby Landing – BOA Approved 05/04/2009.

BBOA-502 – Bruce Wood for Advent Development, LLC – Request for (1) a Variance from the minimum number of parking spaces per Zoning Code Section 11-9-5.D., (2) a Variance from parking setback requirements of Zoning Code Section 11-10-3, (3) a Variance from the 7.5’ landscaped strip standard of Zoning Code Section 11-12-3.A.2, and (4) a Variance from certain other standards and restrictions of the Zoning Code pertaining to parking for Reserve ‘A’ in Bixby Landing – BOA Conditionally Approved 05/04/2009.

Final Plat of The Amended Plat of Bixby Landing – Request for Final Plat approval to amend the plat of Bixby Landing to incorporate Reserve ‘A’ as residential Lot 1, Block 5 – PC Recommended Approval 04/26/2010 and City Council Approved 05/10/2010 (not since recorded; approval expired 05/10/2011).

BACKGROUND INFORMATION:

The entire Bixby Landing residential subdivision development consists of 18.518 acres and 84 lots. The project was previously known as “Bixby Station” in the approved PUD 57, and when it was reviewed and approved as a Preliminary Plat. The Bixby Landing first phase contains 6.326 acres and 24 lots, and the Final Plat for same was recorded February 18, 2009.

In 2010, the City approved an amended plat of Bixby Landing, which proposed to convert Reserve ‘A,’ originally planned for a pool and poolhouse and park facility, to Block 5, Lot 1, to be used for another house. However, that plat was not since recorded, and the Final Plat approval expired 05/10/2011 (reference SRs Section 12-2-6.F).

The Subdivision Regulations do not have a time limitation for Preliminary Plat approvals, as there are with Final Plats. Therefore, the Preliminary Plat is still approved, and only the Final Plat is required to complete the development with Bixby Landing Second.

ANALYSIS:

Property Conditions. The subject property of 12.232 acres is relatively flat and appears to drain to the south and east to the Fry Creek Ditch # 1 using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned RS-4 with PUD 57 and is presently vacant.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the east and south.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor and (2) Vacant, Agricultural, Rural Residences, and Open Land.

The residential use anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 12.232 acres proposes 61 lots, four (4) blocks, and one (1) Reserve Area. Typical lots range in size from approximately 65’ X 110’ (7,150 square feet, 0.164 acres) toward the west end to approximately 50’ X 110’ (5,500 square feet, 0.126 acres) toward the east end. The subdivision has previously been described as being designed for two (2) price points for homes, reflecting the different lot sizes. All lots appear to be conventionally configured and arranged around a suburban street system.

Bixby Landing contains 24 lots, and “Bixby Landing Second” proposes 61 lots (85 lots total). Between the Preliminary Plat approval in 2007 and today, an extra lot was squeezed in around the cul-de-sac in Block 3. PUD 57 restricts the development to 84 lots, so a lot will have to be removed in order to not exceed the maximum number of lots, or a PUD Amendment will be required. The change may be allowable as a Minor Amendment as the 85 lots would be far less than the RS-4 district would otherwise allow.

With the exceptions outlined in this report, the Final Plat and all lots appear to conform to PUD 57 and the underlying RS-4 District and the Subdivision Regulations.

The Fire Marshal’s, City Engineer’s, and City Attorney’s review correspondence are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held March 06, 2013. Minutes of that meeting are attached to this report.

Access and Internal Circulation. This subdivision has regular ingress/egress through Bixby Landing, which itself has access via S. 85th E. Ave. Access to Memorial Dr. is provided to S. 85th E. Ave. via E. 126th St. S. through Southern Memorial Acres No. 2.

In the Bixby Landing first phase, an 18’-wide emergency access only drive was constructed from the east-end of 126th Pl. S. through the subject property along the 126th Pl. S. alignment, and connects to 126th St. S. at 88th E. Ave. through City of Bixby-owned property (a part of Lot 7 Block 7) in Southern Memorial Acres No. 2. It is contained within an “Emergency Access Easement” by separate instrument, accepted by the City Council and recorded with the Tulsa County Clerk (Document # 2008117745). The 126th Pl. S. alignment roadway will be enhanced by this second phase to become a full street. It will continue to exist through Reserve ‘C’ in this plat, and to connect to the east-end of 126th St. S. in Southern Memorial Acres No. 2. The emergency access drive within Reserve ‘C’ will by this second phase, however, be widened to 26’ in width, per JR Donelson at the TAC meeting.

Staff Recommendation. Staff recommends Approval of the Final Plat subject to the following corrections, modifications, and Conditions of Approval:

1. As of the date of this report, the Tulsa County Assessor's records reflect that the developer, RC Bixby Landing, LLC, owns a southerly, approximately 7-acre portion of the 12-acre subdivision (see Warranty Deed recorded 01/03/2013, Document # 2013001345), with the remainder owned by Patriot Bank of Broken Arrow. Please confirm developer now owns all, or has acquired the balance of subject property before recordation of Final Plat.
2. Bixby Landing contains 24 lots, and "Bixby Landing Second" proposes 61 lots (85 lots total). Between the Preliminary Plat approval in 2007 and today, an extra lot was squeezed in around the cul-de-sac in Block 3. PUD 57 restricts the development to 84 lots, so a lot will have to be removed in order to not exceed the maximum number of lots, or a PUD Amendment will be required. Change may be allowable as a Minor Amendment as the 85 lots would be far less than the RS-4 district would otherwise allow.
3. As a Condition of Approval of the Preliminary Plat: Lot 18, Block 7 has 16.07' of frontage. Zoning Code Section 11-8-4 requires a minimum of 30'. PUD 57 does not presently provide for less than 30' of frontage. [A PUD Minor Amendment or an extension of the 'eyebrow' turnaround at the intersection of 126th Pl. S. and 88th E. Ave. to provide at least 30' of frontage, as recommended by the then Planning Commission Chair, shall be required, subject to the approval of the Fire Marshal].
4. As an alternative to the above, if the emergency-access-only road is to be constructed to 26' in width and would otherwise meet the requirements as a city street, it can be dedicated as the extension of S. 88th E. Ave. from "Bixby Landing Second" to Southern Memorial Acres No. 2. The frontage would have to be widened to 50', but this may allow for Lot 18, Block 7 to meet the frontage requirement (see previous item). The reconfiguration would remove the need to construct a "knuckle" / "eyebrow" turnaround, and may allow for the addition of one (1) lot, if requisite adjustments are made (and subject to an amendment to the PUD). The addition of a lot may compensate for the added expense of improving the fire access road to a City street. Further, the removal of Reserve 'C' would reduce the maintenance burden on the HOA, allowing for the reduced annual dues to be focused on the maintenance of the other two (2) Reserves in Bixby Landing. Finally, the HOA may someday ask the City to accept the 26'-wide roadway as a City street, which would then be problematic due to any difference between the requirements for a fire access road and a City street. The City Engineer, Fire Marshal, Fire Code Enforcement Official, and City Planner would support this change.
5. Lot 11, Block 3 has less than the 30' of frontage required per Zoning Code Section 11-8-4, which PUD 57 does not provide flexibility for. An adjustment to the lot lines to achieve 30' or a PUD Minor Amendment would be required.
6. It appears the screening fence required by PUD 57 along the boundary shared with Southern Memorial Acres No. 2 was only partially installed with the first phase. The completion of the fence installation is required for this second phase.
7. Add the standard 17.5' Perimeter U/E or request a Modification/Waiver, which may be justified due to the existence of an 11' U/E within and along the east line of Bixby Landing, the 7.5' U/E within and along the south line of Southern Memorial Acres No. 2, and the Fry Creek right-of-way abutting to the east and south. The Modification/Waiver must be requested in writing.
8. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
9. Title Block on face of plat self-references as "A tract of land situated in..." Please change to something along the lines of "an Addition to the City of Bixby..." as used in the DoD/RCs.
10. Subdivision statistics on the plat face do not report block areas or number of lots within each block, as customary.
11. Update 61 lots reported in the subdivision statistics if/as required per other recommendations in this report.
12. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - a. 121st Center (misrepresented as to configuration)
 - b. Southern Memorial Acres No. 2 (misrepresented as to configuration)
 - c. Gre-Mac Acres (misrepresented)

- d. Scale at 1" = 2,000'.
13. E. 127th Pl. S.: Street name is not appropriate. It should be redesignated an easterly extension of 127th St. S., or a southerly extension of S. 88th E. Ave. (preferable, as it would intersect 126th Ct. S.).
 14. Readdress Lots 10 through 14, inclusive, according to the new street name per the item above.
 15. Due to the small sizes of the lots, many of which are at the 5,500 square foot minimum required by PUD 57, and some of which are not purely rectangular in geometry, please add the lot sizes in square feet to the lots or list same in a table for Zoning Code compliance review.
 16. Readdress Lots 11, 12, and 13, Block 3, as follows:
 - Lot 11: 8703 E. 126th Ct. S.
 - Lot 12: 8707 E. 126th Ct. S. (no change)
 - Lot 13: 8715 E. 126th Ct. S.
 17. Consider adding alternative addresses to corner lots which have a reasonable probability of facing the house on the street other than as addressed, or adding a restriction to the RCs requiring that houses face the street with the widest Building Line.
 18. Deed of Dedication and Restrictive Covenants (DoD/RCs) Preamble: Please correct and enhance critical wording such as "...the Undersigned Owner dedicates, grants, donates, and conveys ~~for to the public use of~~ the streets as shown...." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
 19. DoD/RCs Section I Paragraph 1: Missing critical wording such as "and the Undersigned Owner has caused the described realty to be surveyed, staked, granted, donated, conveyed, dedicated, access rights reserved subdivided, and platted into...." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
 20. DoD/RCs Section I Paragraph 1/2: An unnecessary space separates the first paragraph of Section [I].
 21. DoD/RCs Section I Paragraph 3/4: Occurrence of "it's" (contraction) for "its" (possessive).
 22. DoD/RCs Section I.B.2: Indentation irregularities.
 23. DoD/RCs Section I.D: Please add language preferred by City of Bixby as follows: "...of damage to the properly-permitted landscaping and paving...."
 24. DoD/RCs Section I.E.4: Should logically follow existing Section I.E.5.
 25. DoD/RCs Section I.F: Refers to the HOA both as "Property Owners Association of BIXBY LANDING" and "Bixby Landing Home Owners Association" – please reconcile internally and with other instances throughout the DoD/RCs using the correct name of the existing or proposed entity.
 26. DoD/RCs Section III.A: Refers to the HOA as the "'BLXBY LANDING' Property Owners Association. Please reconcile with other instances throughout the DoD/RCs using the correct name of the existing or proposed entity.
 27. DoD/RCs Section III.B.1: Front yard setback at 20' inconsistent with the 25' setback per PUD 57 and the 25' Building Lines regularly shown on the face of the plat – please change to 25' to avoid confusion.
 28. DoD/RCs Section IV.A: Refers to the HOA as the "Bixby Landing Property Owners Association, Inc." Please reconcile with other instances throughout the DoD/RCs using the correct name of the existing or proposed entity.
 29. DoD/RCs Section IV.A: Please add "BIXBY LANDING" to "BIXBY LANDING SECOND" to reflect the singular HOA serving both subdivisions.
 30. DoD/RCs Section IV.C: Occurrence of "therefore" in place of "therefor," as presumed intended.
 31. DoD/RCs Section IV.C: Language should probably be clearer regarding the actual timing of the establishment of lien on the property, in relation to the time elapsed since the assessment became payable, and the method to be used for establishing the lien. Advisory.
 32. DoD/RCs Section IV.D.2: Add to the list of exclusions: (1) Section I.F and (2) all of Section II.
 33. DoD/RCs Final Dedication: Missing critical wording such as "As owner we hereby certify that we have caused the land described in this plat to be surveyed, divided, mapped, granted, donated, conveyed, dedicated and access rights reserved as represented on the plat." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.

34. *Elevation contours, underlying Zoning district boundaries, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.*
35. *A copy of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file.*

Erik Enyart stated that he wanted to draw out and bring to the attention of the Planning Commission the recommendation #4 from the Staff Report, which dealt with a possible redesign of the northeast corner of the development. Mr. Enyart noted that there was a “flag lot” in the northeast corner, which only had about 16’ of street frontage, but the Zoning Code required a minimum of 30’. Mr. Enyart stated that, when the Preliminary Plat was Conditionally Approved, this issue was raised, and the Chair at that time suggested expanding the “cul-de-sac” such that the 30’ of frontage would be achieved. Mr. Enyart stated that this issue was not resolved after the Conditional Approval. Mr. Enyart stated that, also, per the Fire Marshal, the existing 18’-wide fire lane is required to be widened to 26’ in width. Mr. Enyart stated that this item suggested that the developer consider the difference in cost to upgrade the 26’-wide fire lane to a full City street, which would then resolve the zoning issue on the flag lot, and may allow for the return of some square footage, which may result in the ability to add another lot. Mr. Enyart stated that there may be other advantages as well. Mr. Enyart stated that the City Engineer, both Fire Marshals, and City Planner all favored this option. Mr. Enyart stated that he had not had a chance to discuss with JR Donelson [whether his client was amenable to the option]. Mr. Enyart noted that Mr. Donelson was present and could speak on the item. Mr. Enyart recommended Approval of the Final Plat, subject to the corrections, modifications, and Conditions of Approval as listed in the Staff Report.

Chair Thomas Holland recognized Applicant JR Donelson. Mr. Donelson stated that the Preliminary Plat had been approved, and at that time, the Fire Marshal said the developer needed to install an 18’-wide [emergency access drive] based on the equipment [the Fire Department] had at the time. Mr. Donelson stated that the Fire Marshal now asks for 26’ [of paving] based on the equipment it now has. Mr. Donelson stated that he had forwarded the [suggestion on the reconfiguration] to the owner, and the owner was going to see if it could work financially to bring both 88th E. Ave. and 126th St. S. up to code [for a City street]. Mr. Donelson stated that he would be submitting an application for PUD Minor Amendment on the flag lot, Lot 22 [Block 4], which had in excess of 30’ at the building line. Mr. Donelson stated that the [frontage issue pertaining to] Lot 11, Block 3 would not be a problem, and that he could “tweak that.” Mr. Donelson stated that, as it pertains to the Utility Easement (U/E) recommendation # 7 in the Staff Report, he had submitted a letter requesting Modification/Waiver. Mr. Donelson stated that he was not sure if the Commissioners had received this yet. Mr. Donelson stated that *Southern Memorial Acres No. 2* already had a Utility Easement, and the sewerline was on that side of the common boundary.

Erik Enyart stated that he had distributed Mr. Donelson’s letter to staff internally, and the City Engineer had asked for a total of 22’ in width, so this would mean taking the 11’ U/E proposed to 14.5’. JR Donelson questioned the need for any additional U/E width. Mr. Enyart stated that the City Engineer cited the presence of one (1) or two (2) sewerlines, including a force-main, as the need for the 22’ total U/E width. Mr. Donelson expressed doubt that there was a force-main along the boundary and discussed the matter with the Commissioners. Mr. Donelson agreed with Chair Thomas Holland and Mr. Enyart that he would accept the recommendation # 7 being amended to

approval of the Modification/Waiver, except for the U/E width to be as recommended by the City Engineer along the north line.

Chair Thomas Holland, JR Donelson, and Erik Enyart discussed the emergency access drive matter for a time. Using a copy of the plat, Mr. Enyart clarified with Mr. Donelson the location of the east end of the 126th St. S. roadway, and thus the location the emergency access drive terminates. Mr. Donelson stated that his client was concerned about how far the City street construction requirement would go.

Betsy McConahy addressed Chair Thomas Holland and asked to speak on this matter.

Chair Thomas Holland confirmed with JR Donelson that Mr. Donelson was willing to cede the floor to Betsy McConahy.

Chair Thomas Holland recognized Betsy McConahy of 12426 S. 86th E. Ave. from the Sign-In Sheet. Ms. McConahy addressed JR Donelson and asked him to clarify the location of the roadways that were being described. Mr. Donelson stated that [his client] was required to take the drive “to the existing city pavement.” Ms. McConahy asked for further clarification on what the emergency access drive was. Mr. Donelson explained that that was the paving that the construction trucks were using to drive through the neighborhood. Ms. McConahy acknowledged and asked further where Mr. Donelson considered the street to end, and expressed objection that much of the roadway in this area was mud and gravel. Using a marked copy of the plat, Erik Enyart showed Ms. McConahy the approximate location the street paving and emergency access drive paving intersected. Ms. McConahy stated that she did not know why the street was being referred to as 88th E. Ave. as there was no street there [as yet or within *Southern Memorial Acres No. 2*]. Ms. McConahy asked for the location of the end of the improved paving if it was turned into a street, and Mr. Donelson stated that that would depend on what the City required in that case. Ms. McConahy asked if the emergency access drive would be gated, and Mr. Donelson stated that it would have a crash gate with Knox Box [Rapid Entry System] as per the Fire Marshal. Ms. McConahy returned the floor to Mr. Donelson.

One of the Commissioners asked JR Donelson about the cost differences between the emergency access drive and a City street, and whether it would have the same thickness of paving. Mr. Donelson stated that it would be the same thickness of paving. Mr. Donelson stated that it currently cost \$9.00 per lineal foot for a curb-and-gutter street, the possibility of stormsewer inlets would increase the price, and the possibility of stormsewer pipe would increase the price.

Chair Thomas Holland expressed concern that the street may not be adequately designed. Erik Enyart stated that, if the developer took this option, the City Engineer would require that the street met City Code.

Lance Whisman asked Erik Enyart for clarification on the recommendation # 7 in the Staff Report. Mr. Enyart stated that # 7 would be amended to state that the Modification/Waiver must be approved, and Staff would support it, except that the width along the north line must be at 22’ total, or as otherwise required by the City Engineer. JR Donelson expressed doubt that the City Engineer would ultimately ask for more than the 11’ proposed. Mr. Donelson stated that there was only an

11' U/E platted with the first phase of *Bixby Landing*, and this had caused no problem. One of the Commissioners stated that this may not have been discovered at that time. Mr. Enyart consulted the PUD provisions in the Deed of Dedication and Restrictive Covenants and stated that there was a 20' rear yard setback anyway, so it should not make a difference either way. Mr. Donelson indicated agreement.

Chair Thomas Holland asked Erik Enyart to clarify recommendation # 4 in the Staff Report, which described the roadway as a "City street." Mr. Enyart noted that the first words in the item, "As an alternative to the above," referred to recommendation # 3, and established the item as an option in the alternative to # 3. Mr. Enyart stated that # 3 was pertaining to the "flag lot" nonconformity, and # 4 was an option that the developer could select if they chose to.

Chair Thomas Holland asked if all the speakers signed up for this item had been recognized, and Erik Enyart retrieved and provided Mr. Holland the Sign-In Sheet and reported that they had.

Lance Whisman asked JR Donelson why the developer would not want to open up the drive as a City street. Mr. Donelson stated that it was designed this way per the Fire Marshal.

Lance Whisman asked, for purposes of the wording of the Motion, if there were any changes needed to recommendations # 4 or 7. Erik Enyart clarified with the Commissioners that he amended his recommendation to # 7 to state that the Modification/Waiver must be approved, and Staff would support it, except that the width along the north line must be at 22' in total width, or as otherwise required by the City Engineer.

Chair Thomas Holland asked to entertain a Motion. John Benjamin made a MOTION to Recommend APPROVAL of the Preliminary Plat of "Bixby Landing Second," subject to the corrections, modifications, and Conditions of Approval as recommended by Staff, with recommendation # 7 amended to state that the Utility Easement width along the north line must be at 22' in total width, or as otherwise required by the City Engineer. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Benjamin, Holland, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

JR Donelson left at this time.

7. **Preliminary Plat – Scenic Village Park – Tanner Consulting, LLC (PUD 76).**
Discussion and consideration of a Preliminary Plat and certain Modifications/Waivers for "Scenic Village Park" for 92 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, March 14, 2013
RE: Report and Recommendations for:
Preliminary Plat of "Scenic Village Park" (PUD 76)

LOCATION: – The 7300-block of E. 121st St. S.
– South and west of the intersection of 121st St. S. and Memorial Dr.
– Part of the E/2 of Section 02, T17N, R13E
SIZE: 92 acres, more or less
EXISTING ZONING: AG Agricultural District (CG/PUD 76 zoning pending City Council consideration 03/25/2013)
EXISTING USE: Agricultural
REQUEST: – Preliminary Plat approval
– Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2

SURROUNDING ZONING AND LAND USE:

North: (Across 121st St. S.) RS-3, RS-1, AG, & OL/CS/PUD 51; The Fox Hollow and North Heights Addition residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5th & 6th Grade Center school campuses to the northwest zoned AG; agricultural land to the northeast zoned OL/CS/PUD 51.

South: AG & CS/PUD 37; Fry Creek Ditch # 1 to the south zoned AG and the Crosscreek "office/warehouse" heavy commercial / trade center and retail strip center zoned CS with PUD 37.

East: AG, CG, RS-3, OL, CS, & RM-2/PUD 70; Agricultural land, the Easton Sod sales lot zoned RS-3, OL, & CS, the Encore on Memorial upscale apartment complex zoned RM-2/PUD 70, a Pizza Hut zoned CG, and a My Dentist Dental Clinic zoned CS; Memorial Dr. is further to the east.

West: AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, the Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121st St. S., the Seven Lakes I and Seven Lakes II residential subdivisions, and additional vacant land zoned RS-4 for a future "Seven Lakes" phase or phases.

COMPREHENSIVE PLAN: Corridor + Vacant, Agricultural, Rural Residences, and Open Land.

PREVIOUS/RELATED CASES:

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 "golf teaching and practice facility" on part of the subject property – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts previously owned by Knopp, which includes subject property – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor's parcel records do not reflect that the land was ever since divided as approved.

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant

temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

PUD 76 "Scenic Village Park" & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for subject property – PC recommended Approval 02/27/2013. Pending City Council consideration 03/25/2013.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property of 92 acres is relatively flat and appears to drain, if only slightly, to the south and west. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned AG and may or may not be presently used for agricultural crops. CG zoning and PUD 76 are pending City Council approval March 25, 2013.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting to the west and south.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor and (2) Vacant, Agricultural, Rural Residences, and Open Land.

The multiple uses anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 92 acres proposes nine (9) lots and two (2) blocks (however, due to streets completely separating parts of Block 1, Staff recommends the designation of a third block). No (0) Reserve Areas are proposed. The lots are fairly large, and with the exception of Development Area A, appear consistent with their respective PUD 76 Development Area acreages. It is likely that certain lots will be replatted into smaller lots, especially for the lower-intensity residential Development Area C.

With the exceptions outlined in this report, the Preliminary Plat appears to conform to the Zoning Code and Subdivision Regulations.

The Fire Marshal's, City Engineer's, and City Attorney's review correspondence are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held March 06, 2013. Minutes of that meeting are attached to this report.

Access and Internal Circulation. The plat proposes Limits of No Access (LNA) along all of 121st St. S., to direct all traffic to the two (2) proposed street intersections.

As proposed, primary access to the development would be via a proposed collector street connecting 121st St. S. to Memorial Dr. via the existing 126th St. S. constructed in the past couple years. By this collector road, all the Development Areas within the PUD would have access. There is a gap between the existing 126th St. S. right-of-way and the subject property, suggesting the necessity of separate instrument dedication of right-of-way to connect to 126th St. S. The Applicant has stated that the seller has agreed to dedicate the right-of-way. The Text of PUD 76 confirms that the connection will be required.

The collector street is proposed to intersect with 121st St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121st St. S. was widened. To the west of this, there is a smaller street proposed to intersect with 73rd E. Ave., which serves Fox Hollow and the North Heights Addition.

Per PUD 76, the collector street will have an 80' right-of-way and 38' roadway width. Per Subdivision Regulations Ordinance # 854 Section 9.2.2, these geometries would be consistent with a residential and/or office collector road. As this is a commercial development, a "Commercial Collector" street would have 80' of right-of-way and 42' of roadway width. Thus, the PUD acknowledges that such geometries must be approved by the Bixby City Council for Modification/Waiver from the Subdivision Regulations. The request for Modification/Waiver has been received and is attached to this report. Per

the City Engineer's review memo, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify a Modification/Waiver.

The minor streets serving Development Areas A and B, at 50' in right-of-way width and 26' of roadway paving width, would be consistent with a minor low density residential street. It would incidentally serve the westernmost commercial lot in Development Area A, and perhaps the other commercial lot in Development Area A, but would primarily serve an assisted living community. Thus, it would appear more appropriate to be designated a Residential Collector or High Density Residential minor street, which calls for 60' of right-of-way and 36' of roadway width. These geometries, too, must receive City Council approval of a Modification/Waiver. Recognizing the Collector Road will facilitate most of the traffic, it is reasonable to argue that the ancillary minor streets, serving to allow for a future stoplight at 73rd E. Ave. and primarily serving the assisted living facility, should be afforded flexibility to reduce the minimum required widths.

The proposed access points to 121st St. S. require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.

Staff Recommendation. Staff recommends Approval of the Preliminary Plat subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to City Council approval of CG zoning and PUD 76.
2. Subject to City Council approval of a Modification/Waiver of the Commercial Collector 42' paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 38'-wide roadway width as proposed. Per the City Engineer's review memo, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify a Modification/Waiver.
3. Subject to City Council approval of a Modification/Waiver of the Residential Collector or High Density Residential minor street 60' right-of-way and 36' paving width requirement of Subdivision Regulations Ordinance # 854 Section 9.2.2, to allow a 50'-wide right-of-way width and 26'-wide roadway width as proposed. Recognizing the Collector Road will facilitate most of the traffic, it is reasonable to argue that the ancillary minor streets, serving to allow for a future stoplight at 73rd E. Ave. and primarily serving the assisted living facility, should be afforded flexibility to reduce the minimum required widths.
4. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
5. Plat name needs to be prefaced by "Preliminary Plat."
6. Lot 2, Block 1 is completely separated from the balance of Block 1 by streets. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
7. Land Summary statistics on the plat face do not report block areas or number of lots within each block, as customary.
8. Update Land Summary statistics to add the new block number recommended herein.
9. The Land Summary statistics report 8 lots in error.
10. The Land Summary statistics report "00.000 acres" in error.
11. Preliminary Plat: Elevation contours at one (1) foot maximum intervals not represented as required per SRs Section 12-4-2.B.6.
12. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - LaCasa Movil Estates (misrepresented as to configuration)
 - LaCasa Movil Estates 2nd (misrepresented as to configuration and not labeled)
 - Village Ten Addition (misrepresented)
 - Poe Acreage (misrepresented as to configuration)
 - Seven Lakes II (missing)
 - The Fry Creek Ditch # 1 and # 2 are represented by do not reflect channel reconstructions from circa 2000.
13. Please add street names as follows (confirm first with all appropriate City Staff):
 - East-west Collector Street: East 126th Street South
 - North-south Collector Street: South 74th East Avenue
 - North-south minor Street: South 73rd East Avenue

- *East-west minor Street: East 121st Place South*
- 14. *Please add proposed addresses to the lots. Such may be omitted for lots which will likely be further subdivided.*
- 15. *Please add standard address caveat/disclaimer: "Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of the legal description."*
- 16. *Curve data appears missing from the southwest corner of the easternmost lot in Development Area A.*
- 17. *Undefined linework along the north sides of Development Area A and a westerly part of the north side of Development Area E.*
- 18. *DoD/RCs Preamble: Missing critical wording such as "And the Owner has caused the above described land to be surveyed, staked, platted, granted, donated, conveyed, dedicated, access rights reserved and subdivided into...." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.*
- 19. *DoD/RCs Preamble: Please update to three (3) blocks per other recommendations herein.*
- 20. *DoD/RCs Section I.A: Please add language preferred by City of Bixby as follows: "...the owner further reserves the right to construct and maintain within the utility easements properly-permitted: parking areas, landscaping, screening fences and walls and other nonobstructing improvements."*
- 21. *DoD/RCs Section I.D: Please add language preferred by City of Bixby as follows: "...of damage to the properly-permitted landscaping and paving...."*
- 22. *DoD/RCs Section II: Update with the final-as-approved version of the Text of PUD 76, presuming City Council approval 03/25/2013.*
- 23. *DoD/RCs Section III.C: Word "owner" misspelled.*
- 24. *DoD/RCs Section III.C: "Planning Commission" missing the final "n."*
- 25. *Certificate of Survey: Self-reference as "a Subdivision in the City of Bixby." Title Blocks on Pages 1 and 2, Deed of Dedication / Restrictive Covenants (DoD/RCs) Preamble (other instances possible) self-reference as "an Addition to the City of Bixby." Please reconcile all instances.*
- 26. *A copy of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file.*

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item.

Applicant Ricky Jones of Tanner Consulting, LLC, 5323 S. Lewis Ave., Tulsa, was present and stated that [he and his client] were in agreement with all of the recommendations by Erik [Enyart]. Mr. Jones stated that [he and his firm] had submitted the engineering drawings to the City Engineer, and had already received comments, which were minor in nature. Mr. Jones stated that the street widths and right-of-way widths had all been worked out with [City Engineer] Jared [Cottle] before anything was filed, and that the same was true with the Fire Marshal. Mr. Jones stated that [he and his firm] were not surprised by the recommendations received. Mr. Jones stated that one of the City Engineer's recommendations was to request turning lanes, which would be done. Mr. Jones stated that the Fire Marshal was not opposed to the Waiver either. Mr. Jones requested approval as submitted with the Staff's recommendations. Mr. Jones stated that he hoped that [the PUD and rezoning] were approved at the Monday[, March 25, 2013 City] Council [meeting].

Chair Thomas Holland recognized Jay Mauldin of 7341 E. 119th Pl. S. from the Sign-In Sheet. Mr. Mauldin stated that he had one concern. Mr. Mauldin asked if any change had been made to the 121st Pl. S. behind Development Area A. Erik Enyart responded that it had the same right-of-way and roadway widths as presented with the PUD. Mr. Mauldin indicated agreement.

Lance Whisman stated that he had discussed with Erik Enyart what would likely be the case if the City Council did not approve the PUD and rezoning and looked to Mr. Enyart for further clarification. Mr. Enyart stated that he had said that his recommendation was that the Preliminary Plat approval be subject to the final approval of both the PUD and the rezoning by the City Council, and if, for whatever reason, they were not approved, the Preliminary Plat approval would mean nothing; have no effect.

Chair Thomas Holland observed that the Preliminary Plat had reached the Planning Commission before the PUD was even acted upon by the City Council, and asked Ricky Jones about the time implications. Mr. Jones stated that the PUD and rezoning were Continued by the City Council to their meeting on March 25th, because the Councilor for this [Ward] wanted to be present, and that this situation did cause the loss of about a month's time. Mr. Holland asked, rhetorically, if nothing had been accomplished by holding a Special Meeting in January. Erik Enyart exclaimed, "We made a lot of progress, as I recall!" Mr. Jones stated that that day was the deadline for the Final Plat approval, but [he and his client] elected not to submit the Final Plat by this date, so that the Final Plat did not also get in front of the PUD and rezoning. Mr. Jones stated that this would put a little bind into [the project], but it would not be a big problem.

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to Recommend APPROVAL of the Preliminary Plat of Scenic Village Park with all of the corrections, modifications, and Conditions of Approval as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Benjamin, Holland, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

Ricky Jones left at this time.

Chair Thomas Holland asked Erik Enyart about the "Other Business," "Old Business," and "New Business" items on the agenda, as they had nothing listed under them. Mr. Enyart stated that he had inherited these listings, and that they were used when there were items to list under each.

OTHER BUSINESS

Chair Thomas Holland asked if there was any other business to consider. Erik Enyart stated that there was none. No action taken.

OLD BUSINESS:

Chair Thomas Holland asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS:

Chair Thomas Holland addressed Erik Enyart and asked if the City had not made changes to the regulations for ministorage developments in the past few years. Mr. Enyart confirmed and stated that, around the year 2008, the City had approved an amendment to the Zoning Code making Use Unit 16 exclusive to ministorage uses. Mr. Holland asked Mr. Enyart if the Commission could recommend the City Council make changes to that to increase standards for such developments. Mr. Enyart responded that he had two (2) answers. Mr. Enyart stated that, firstly, State Statutes say that it is the Planning Commission's prerogative to promulgate new rules as concerns the Zoning Code and Subdivision Regulations. Mr. Enyart stated that, secondly, the answer was a political one, which he could not answer directly, which is: "Would the Council welcome unsolicited advice?"

Chair Thomas Holland stated that the construction methodology needed to be looked at. Mr. Holland stated that, as was seen in the case the previous month, these can cause problems when located next to residential homes, with the metal construction and roofing.

Erik Enyart stated that, when the City amended the Zoning Code to allow ministorage a few years ago, it has instituted fairly high standards for such developments, in his opinion. Mr. Enyart stated that ministorage developments required (1) full screening and (2) full masonry on all sides abutting a Residential or Office district, and (3) had a 12' maximum building height restriction. Mr. Enyart stated that this meant that, when abutting an R or O district, the building must have full masonry, even when it has a screening fence, and is limited to 12' in height.

Chair Thomas Holland stated that his concern, then, was not the ministorage "use group," but perhaps "storage warehouses." Mr. Holland asked Erik Enyart what use group these usually fell into, and Mr. Enyart responded that such developments, like Crosscreek, were typically multi-tenant buildings that houses various trade businesses, such as Heating/Ventilation/Air Conditioning services, electricians, plumbers, roofing contractors, construction contractors, other trades, etc., and that these were mostly Use Unit 15. Mr. Enyart stated that, in some cases, there are other businesses that fall into other Use Unit categories.

Chair Thomas Holland expressed concern that the Commission is sometimes presented with one plan, which gets approved, and then the developer makes changes to what was approved.

Matt Talley indicated desire to be recognized.

Chair Thomas Holland recognized Matt Talley of 8113 E. 124th St. S. from the Sign-In Sheet. Mr. Talley stated that, speaking from experience, he was also concerned that developers propose one thing, and then make a change after the development was approved. Mr. Talley stated that, in the case of the development behind his house, the developer at first proposed a masonry fence, and did that on the front side of his development, but then changed it to a wood fence toward the back. Mr. Talley stated that, behind his house, the developer just put up a net and tied it to his chain-link fence.

Erik Enyart stated that he was concerned that the discussion was concerning items # 4 and 5 on the agenda. Matt Talley stated that he was only describing this as an example, and would keep his

comments more general. Mr. Talley asked if a PUD could be changed after approved. Mr. Enyart responded that it could, and that it would depend on the significance of the change whether it could be done by Major Amendment or Minor Amendment. Mr. Enyart reminded Mr. Talley that the items # 4 and 5 on the agenda would be back on the April 15, 2013 agenda, if he wanted to speak on them.

Jay Mauldin stated that he shared the Chairman's concern. Mr. Mauldin expressed favor for elevating the standards and aesthetics in the Code. Mr. Mauldin stated that one could always appeal to the Board of Adjustment to seek redress from the requirements in the Code.

Lance Whisman asked Erik Enyart about the location of the sign posting for agenda items # 4 and 5. Mr. Enyart stated that he had purposefully chosen to place the sign in front of the house in the neighborhood, as he thought it would attract more attention than if he had placed the sign in front of the shopping center. Mr. Whisman stated that he was driving through the neighborhood and had seen the sign and was surprised to see it there, and that this made sense. Mr. Enyart clarified with Mr. Whisman and the other Commissioners the location of the properties concerned by agenda items # 4 and 5. Mr. Enyart noted that it was difficult to provide an address or describe the location of the subject property. Mr. Enyart noted that the rezoning application concerned the vacant and underutilized land between the shopping center and the house, and that the PUD included all that and the house itself.

No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:03 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary